

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21317 of 2004

Between:

- 1 Gaddam Srinivasa Reddy, s/o G.Malla Reddy,
r/o H.No.4-48, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 2 Thodupunuri Bhadraiah, s/o T.Seethaiah,
r/o H.No.1-16, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 3 Markond Malla Reddy, s/o Narsimsaiah,
r/o H.No.4-52, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 4 Gaddam Ananthi Reddy, s/o Dolka Reddy,
r/o H.No.4-49, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 5 Thodupuniri Srinivas, s/o T.Veeraiah,
r/o H.No.1-20, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 6 Gurra Venkataratnam, s/o Rajaiah,
r/o H.No.1-7, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 7 Diviti Purushotham, s/o Narasaiah,
r/o H.No.4-40, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 8 Rayabaram Narsaiah, s/o Raghavendra,
r/o H.No.4-47, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 9 B.Ramana Reddy, s/o Ram Reddy,
r/o H.No.3-46, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 10 Thipparapu Laxmirajyam, s/o Venkatesham,
r/o H.No.4-74, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 11 Thipprapu Venkataswamy, s/o Venkateshaiah,
r/o H.No.4-75, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 12 Gaddam Narsimha Reddy, s/o Ram Reddy,
r/o Mannempally Village, Thimapur Mandal, Karimnagar District.
- 13 Repaka Rajaiah, s/o Veerasham,
r/o H.No.1-8, Mannempally Village, Thimapur Mandal, Karimnagar District.
- 14 G.S.Reddy, s/o Thimma Reddy,
r/o Mannempally Village, Thimapur Mandal, Karimnagar District.
- 15 K.Agaiah, s/o Ramalingam,
r/o Mannempally Village, Thimapur Mandal, Karimnagar District.
- 16 G.Laxma Reddy, s/o Ram Reddy,
r/o Mannempally Village, Thimapur Mandal, Karimnagar District.

17 R.Mogilaiah, s/o Radhakrishnaiah,
r/o Mannempally Village, Thimapur Mandal, Karimnagar District.

..... PETITIONERS

AND

1. The Executive Engineer, R&B P.W.Department, Karimnagar

District.

2 District Collector, Karimnagar District.

3 District Panchayat Officer, Karimnagar District.

4 Mannempally Gram Panchayat, rep., by the Panchayat

Officer

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or orders direction declaring the action of the respondents in proposing to demolishing the houses of the petitioners bearing the H.No.4-48, 1-16, 4-52, 4-49, 1-20, 1-7, 4-40, 4-47, 3-46, 4-74, 4-75, 1-8 Mannempally Village, Thimapur Mandal, Karimnagar District situated on the road from Indira Nagar to acquisition proceedings as arbitrary, illegal and in violation of Article 300(a) of the Constitution of India and direct respondents not to demolish the Houses of the petitioners without following due process for law.

Counsel for the Petitioners: MR.PRABHAKAR PERI

Counsel for the Respondent No.1: GP FOR ROADS & BUILDINGS

Counsel for the Respondent Nos.2 to 4: GP FOR PANCHAYAT RAJ

The Court, at the stage of admission, made the following :

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ORAL ORDER

The present petition is filed to declare the action of the respondents in proposing to demolish the houses of the petitioners bearing H.Nos.4-48, 1-16, 4-52, 4-49, 1-20, 1-7,4-40, 4-42, 3-46, 4-74,4-75, 1-8 of Mannempally village, Thimapur Mandal, Karimnagar District, as illegal and arbitrary.

The learned counsel appearing for the petitioners contended that the officials of the respondents, without following due process of law, came to the houses of the petitioners and informed them that they are going to demolish their houses for the purpose of road widening. The apprehension of the petitioners, according to their counsel, is that the action of the respondents in proposing to demolish the houses of the petitioners without giving any prior notice to them is illegal and arbitrary.

On the other hand, the learned Government Pleader appearing for the respondents contended that there is no such proposal for demolishing the houses of the petitioners, and as such, the mere apprehension of the petitioners can not give rise to any cause of action to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Perused the affidavit and other material papers on record.

The petitioners' apprehension is that the respondents are going to demolish the houses of the petitioner for the purpose of road widening from Indira Nagar to Mannempally "X" roads, without following due process contemplated under law. But, the contention of the learned Government Pleader is that the respondents have never tried to demolish the structures of the petitioners without giving any prior notice.

In view of the statement of the learned counsel for the petitioners, if the respondents want to take any action, they have to follow due process of law.

Recording the submission of the learned Government Pleader, the writ petition is disposed of. No order as to costs.

K.C.BHANU,J

22nd NOVEMBER 2004

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To

1. The Executive Engineer, R&B P.W.Department, Karimnagar District.
2. The District Collector, Karimnagar District.
3. The District Panchayat Officer, Karimnagar District.
4. The Panchayat Officer, Mannempalli Grampanchayat, Thimapur Mandal, Karimnagar District.
5. Two CCs to G.P for R&B, High Court Buildings, High Court of A.P., Hyderabad(OUT)
6. Two CCs to G.P for Panchayat Raj, High Court Buildings, High Court of A.P.Hyderabad(OUT)
7. Two C.D.Copies.